

**SUMMARY MINUTES – FEBRUARY 11, 2009**

**OPEN SESSION OF THE STATE PERSONNEL BOARD**

**1. ROLL CALL**

**MEMBERS PRESENT:**

**Anne Sheehan, President**

**Richard Costigan, Vice President**

**Maeley Tom, Member**

**Patricia Clarey, Member**

**2. REPORT OF THE EXECUTIVE OFFICER**

- Suzanne M. Ambrose

- SPB began complying with the furlough Fridays, last Friday, February 6, 2009. SPB staff posted notices on the entrances both in English and Spanish and also on SPB's webpage. There were no incidents on Friday.
- SPB received notice from the Controller's office that Travel Expense Claims (TEC's) are not going to be paid. Staff has not received clarification on whether the TEC's will be delayed temporarily or suspended. This news affects SPB's ALJ's ability to conduct hearings out in the field as well as Department Counsel having to travel.
- If SPB cannot hold evidentiary hearings, other than in Sacramento, the ALJ's will be working on Merit Appeals.
- SPB will be closing its testing center from February 23, 2009 – April 20, 2009, in order to do training on the new exam and certification replacement system that will go live in April. SPB needs to get all Department staff in so that they are trained on the new system.
- SPB staff looked at the current lists for the exams that are conducted in the testing center. SPB uses the testing center for the Office Assistant, Office Technician and Associate Programmer Analyst examinations. Currently on the Office Assistant (General) list there are 4,300 people and on the Office Assistant (Typing) list there are 2,773 people. Statewide vacancies for these classifications are 91 and 472 respectively. There are 14,000 people on the Office Technician list with 61 vacancies statewide. These lists are sufficient enough to fill the existing vacancies, however, should SPB need to open testing for these positions, staff will do so at an alternate location.
- The Receiver has hired a new Chief Deputy, Elaine Bush. She will replace John Hagar, who will now be working as a special counsel.
- The First Lady has launched a new website, "We Connect". The website has a lot of good information about job opportunities in California and it also has information to help working families connect to available government programs and services. SPB added a link to

their website on “We Connect” with information about the SPB and state jobs.

**3. REPORT OF THE ACTING CHIEF COUNSEL**

- Bruce Monfross

- PECG, et al. v. Schwarzenegger: The Sacramento County Superior Court has denied the writ petitions and requests for injunctive relief filed by PECG, CAPS, SEIU and CASE concerning the Governor’s furlough order. PECG and CAPS have appealed the decision to the 3<sup>rd</sup> DCA, and SEIU has announced that it intends to do so. (In a later response to a request from the State Controller, the court clarified that it was making no determination as to whether employees of elected state constitutional officers were also subject to the furlough, as that issue was not before the court. The Governor’s Office has, however, filed a writ petition seeking to compel the State Controller to apply the furlough order to the employees of elected state constitutional officers.) CASE will also appeal the court’s decision, and filed a writ of supersedeas with the 3<sup>rd</sup> DCA seeking to block the furloughs. The court rejected the petition as untimely and incomplete.
- In addition, the California Firefighters’ writ petition seeking to block implementation of the furlough order has been denied by a different judge in the Sacramento County Superior Court.
- Furthermore, CASE and several SCIF attorneys filed a petition for writ of mandate in the San Francisco County Superior Court challenging the application of the furlough order to SCIF employees, on the grounds that SCIF is constitutionally and statutorily exempt from staffing cutbacks, and on the grounds that SCIF receives no general fund monies.
- Donna Hines v. CPUC, SPB et al.: The USDC, Northern District, has dismissed the discrimination and retaliation complaint filed by Donna Hines against the CPUC and the SPB (and SPB employees Floyd Shimomura (as Executive Officer) and ALJ Greg Brown). The court found that plaintiff failed to establish that the SPB informal hearing process denied her the opportunity to adequately present her whistleblower retaliation claims, or that Mr. Shimomura or Mr. Brown violated her due process rights.
- Kenneth Carter v. SPB/CDCR: The San Bernardino County Superior Court has issued a decision denying appellant’s request to schedule appellant’s appeal from dismissal for hearing before the Superior Court pursuant to *CCPOA v. SPB*, based on appellant’s allegations that the SPB has failed to render its decision concerning his appeal from dismissal within the statutory time limit. The court found appellant’s request was premature because CDCR’s responsive pleading was not due, and because it was unclear whether the SPB had been properly served in the matter.
- Pamela Daws v. SPB/CSU: The Solano County Superior Court has denied a writ petition in this case involving a CSU employee who was

terminated from her position as an Administrator II with the CSU California Maritime Academy. The Board determined that it had no jurisdiction to review the termination because the position was within the “Management Personnel Plan,” in which employees serve at-will and without tenure. Therefore, the ALJ granted CSU’s motion to dismiss the appeal. The court agreed with the ALJ that the employee was an at-will employee with no right to appeal her termination to the SPB.

- Robert Schell v. SPB/CDFFP: The SPB has been served with a writ petition challenging the Board’s nonprecedential decision in this case. Appellant, a Fire Apparatus Engineer-Paramedic was dismissed for engaging in a series of inappropriate horseplay toward a 14-year-old Explorer Scout. The ALJ modified the dismissal to a 13-month suspension, but the Board decided to rehear the case and reinstate the dismissal.
- Spielbauer v. City of Santa Clara: The California Supreme Court has issued its decision overturning the Court of Appeal decision that found that public employees could not be compelled to answer their employer’s questions concerning job-related, non-criminal misconduct, provided the employee was given a grant of immunity from criminal prosecution concerning the information they provided during their administrative interrogation. The Court found that the Appellate Court had disregarded decades of legal precedent from the US Supreme Court and other California court that found that public employees could be compelled to cooperate during administrative interrogations.
- Plata, Coleman, et al. v. Schwarzenegger, et al.: A three-judge panel from the United States District Court, Eastern and Northern Districts, has issued a tentative ruling signaling its intent to order a reduction in the California inmate population to alleviate overcrowding, which the judges assert is the primary reason why California is unable to provide inmates with a constitutionally required level of health care. The judges indicated they intend to reduce the inmate population from its current size of approximately 200 percent above capacity to 120 – 145 percent above capacity (approximately 36,000 – 57,000 inmates).

#### **4. REPORT ON LEGISLATION**

- Carol Ong

- Agency has requested analysis of SB 37 Strickland pertaining to direct deposit measures. Staff has reviewed and analyzed the bill.
- Staff continues to work with authors on both sides of the legislature regarding the Board’s legislative proposals.

**5. REPORT ON THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM**

- Patricia Clarey

- CalPERS had their semi-annual retreat last month. The Department announced the new Investment Officer, Joe Deer, from the Washington Pension Fund.
- There is a new Corporate Governance officer, Anne Simpson.
- As part of the overall review of investments, there will be an extensive look at everything CalPERS is doing due to the loss of the fund in the last year.

**6. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULED FOR FEBRUARY 25, 2009, IN SACRAMENTO, CALIFORNIA.**

**NONE**

**7. NEW BUSINESS**

**NONE**

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**8. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matters submitted at prior hearing.  
[Government Code Sections 11126(c)(3), 18653(3)]

**9. DELIBERATION ON NON-EVIDENTIARY CASES AND ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on proposed, rejected, remanded, and submitted decisions, petitions for rehearing, and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.

[Government Code sections 11126(c)(3), 18653]

**10. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.

[Government Code sections 11126(e)(1), 18653.]

Patrick McCollum v. State of California

United States District Court, Northern District of California

Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.  
United States District Court, Northern District of California  
Case No. C01-1351 TEH

James Steed v. State Personnel Board, et al.  
Kern County Superior Court Case No. 259882

Carpenters Local 46 v. State of California, et al.  
Sacramento Superior Court Case No. 05AS01613

11. **RECOMMENDATIONS TO THE LEGISLATURE**  
Deliberations on recommendations to the Legislature.  
[Government Code section 18653]
12. **RECOMMENDATIONS TO THE GOVERNOR**  
Deliberations on recommendations to the Governor.  
[Government Code section 18653]
13. **EMPLOYEE PERSONNEL MATTER**  
Discussion concerning the appointment and employment of Chief Counsel candidates. [Government Code section 11126(a)(1)]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**BOARD ACTIONS:**

14. **ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF THE JANUARY 14, 2009, BOARD MEETING.**  
  
**ACTION: ADOPTED**  
  
**VOTE: Sheehan, Costigan, Tom, Clarey – Aye**
15. **ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF THE JANUARY 14, 2009, CLOSED SESSION BOARD MEETING.**  
  
**ACTION: ADOPTED**  
  
**VOTE: Sheehan, Costigan, Tom, Clarey – Aye**
16. **RESOLUTION EXTENDING TIME PURSUANT TO GOVERNMENT CODE SECTION 18671.1**  
  
**ACTION: ADOPTED**  
  
**VOTE: Sheehan, Costigan, Tom, Clarey – Aye**

**17. SUBMITTED ITEMS NOT SCHEDULED FOR ACTION**

**A. RECEIVER'S REQUEST FOR DELEGATION AND MODIFICATION TO PROCESSES**

The Receiver's Office requested the Board delegate several classification functions to the Receiver's Office, subject to Board audit, and requested the Board approve revised procedures for reviewing examination and classification requests submitted by the Receiver's Office.

**NO ACTION**

**18. SUBMITTED ITEMS SCHEDULED FOR ACTION**

**A. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S PROPOSED ESTABLISHMENT OF NEW CLASS, MENTAL HEALTH THERAPIST**

Department of Corrections and Rehabilitation proposed the establishment of a new class, Mental Health Therapist, Correctional Facility, with a twelve month probationary period and designation of the class as sensitive under State Personnel Board Rule 213 for the purpose of pre-employment drug testing.

**ACTION: The Department of Corrections and Rehabilitation respectfully requests that no action be taken at this meeting.**

**B. CAREER EXECUTIVE ASSIGNMENT (CEA) REGULATIONS**

A public hearing was conducted to provide interested parties an opportunity to address the Board concerning whether the Board should promulgate regulations that address the following issues:

1. Should CEA be defined as a single classification or separate classifications based on pay band?
2. Should an examination be required for CEA realignments "in place"?
3. Should an examination be required to transfer an incumbent CEA to a different CEA position at a higher level regardless of the appointing authority?

**ACTION: The Board directed staff to develop regulations designating the CEA classification as one deep, classification, and to delegate CEA authority to appointing powers, subject to Board oversight. A public hearing will be scheduled before the Board after the proposed regulations have been submitted for public review and comment.**

**19. ANNOUNCEMENT OF ACTION TAKEN ON EVIDENTIARY CASES**

On February 11, 2009, the Board took the following action on the cases listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

**VOTE: Sheehan, Costigan, Tom, Clarey – Aye**

**A. BOARD CASES SUBMITTED**

**NONE**

**B. ORAL ARGUMENTS**

**NONE**

**C. CHIEF COUNSEL RESOLUTIONS, REMANDS, STIPULATIONS, OTHER**

**(1) CASE NO. 08-1356**

Appeal from dismissal

**Classification:** Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

Request to withdraw from stipulated settlement

**ACTION: The Board issued a Resolution denying appellant's request that the Board vacate its prior decision approving the stipulation for settlement entered into between the parties.**

**(2) CASE NO. 05-3014**

Appeal from dismissal

**Classification:** Fire Fighter II (Paramedic)

**Department:** Department of Forestry and Fire Protection

Request for Order to Show Cause

**ACTION: The Board issued a Resolution denying appellant's request for an Order to Show Cause against the Department of Forestry and Fire Protection.**

**(3) CASE NOS. 07-4708 & 08-3044**

Appeals from suspension & denial of reasonable accommodation

**Classification:** Officer Technician (Typing)

**Department:** Department of Transportation

Request to withdraw from stipulated settlement

**ACTION: The Board issued Resolution denying appellant's request that the Board vacate its prior decision approving the stipulation for settlement entered into between the parties.**

**(4) CASE NO. 06-0014R**

Appeal from Dismissal.

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

Decision after court remand

**ACTION:** The Board issued a Resolution re-affirming its prior decision and again adopting the ALJ's Proposed Decision that modified the penalty for a dismissal to a suspension for one year.

**D. ADMINISTRATIVE LAW JUDGES' PROPOSED DECISIONS**

**PROPOSED DECISIONS AFTER HEARING**

**(1) CASE NO. 07-3735**

Appeal from rejection during probation

**Classification:** Supervising Deputy Attorney General

**Department:** Department of Justice

**ACTION:** The Board adopted the ALJ's Proposed Decision.

**(2) CASE NO. 08-2622 & CASE NO. 08-2702**

Appeals from dismissal

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision.

**(3) CASE NO. 06-3942**

Appeal from dismissal

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision.

**(4) CASE NO. 00-2363B**

Appeal from denial of interest

**Classification:** Officer

**Department:** Department of the California Highway Patrol

**ACTION:** The Board adopted the ALJ's Proposed Decision.



**(5) CASE NO. 08-2369**

Appeal from rejection during probation

**Classification:** Correctional Counselor II (Specialist)

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision.

**PROPOSED DECISIONS AFTER BOARD REMAND**

NONE

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

NONE

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

**E. PETITIONS FOR REHEARING**

**(1) CASE NO. 08-0549P**

Appeal from non-punitive termination

**Classification:** Teacher, YC

**Department:** Department of Corrections and Rehabilitation

**ACTION:** DENIED

**(2) CASE NO. 08-5008NP**

Appeal for a merit issue complaint

**Classification:** Nurse Practitioner

**Department:** Department of Corrections and Rehabilitation

**ACTION:** DENIED

**(3) CASE NO. 08-0548EP**

Appeal for a whistleblower retaliation complaint

**Classification:** Field Examiner I, (ALRB)

**Department:** Agricultural Labor Relations Board

**ACTION:** DENIED

**(4) CASE NO. 08-3025EP**

Appeal for a whistleblower retaliation complaint

**Classification:** Staff Services Analyst (General)

**Department:** Department of Corrections and Rehabilitation

**ACTION:** DENIED

**(5) CASE NO. 07-0041P**

Appeal from rejection during probation

**Classification:** Registered Nurse, CF

**Department:** Department of Corrections and Rehabilitation

**ACTION:** DENIED

- (6) **CASE NO. 05-3491P**  
Appeal from five percent reduction in salary for six months  
**Classification:** Disability Evaluation Analyst II  
**Department:** Department of Social Services  
**ACTION: DENIED**
- (7) **CASE NO. 06-1744P**  
Appeal from demotion  
**Classification:** Disability Evaluation Analyst II  
**Department:** Department of Social Services  
**ACTION: DENIED**
- (8) **CASE NO. 07-1884P**  
Appeal from six month suspension  
**Classification:** Fish and Game Warden  
**Department:** Department of Fish and Game  
**ACTION: DENIED**

**F. PENDING BOARD REVIEW**

- (1) **CASE NO. 04-2605A, CASE NO. 04-2614A, CASE NO. 04-2606A, CASE NO. 04-2607A, CASE NO. 04-2608A, CASE NO. 04-2611A**  
Appeals from dismissal.  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
Proposed decision rejected January 14, 2009.  
Pending transcripts.
- (2) **CASE NO. 07-3421PA**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
Petition for rehearing granted October 21, 2008.  
Transcript prepared.  
Oral argument set for February 11, 2009.  
Oral argument continued.
- (3) **CASE NO. 07-3302A**  
Appeal from dismissal  
**Classification:** Custodian  
**Department:** Department of General Services  
Proposed decision rejected December 16, 2009.  
Transcripts prepared.

- (4) **CASE NOS. 05-4338EA & 05-4339A**  
Appeal from denial of reasonable accommodation and constructive medical termination  
**Classification:** Registered Nurse  
**Department:** Department of Corrections and Rehabilitation  
Proposed decision rejected September 23, 2008.  
Transcripts prepared.  
Oral argument set for December 2, 2008, San Francisco.  
Oral argument continued.  
Oral argument set for February 11, 2009.  
Oral argument continued.
- (5) **CASE NO. 07-1920A**  
Appeal from constructive medical separation and for benefits pursuant to Government Code §19253.5  
**Classification:** Parole Agent I  
**Department:** Department of Corrections and Rehabilitation  
Proposed decision rejected January 14, 2009.  
Pending transcripts.
- (6) **CASE NO. 06-3735A**  
Appeal from demotion  
**Classification:** Patrol Lieutenant Supervisor  
**Department:** Department of Fish and Game  
Decision rejected January 14, 2009.  
Pending transcripts.
- (7) **CASE NO. 08-0440PA**  
Appeal from dismissal  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
Petition for rehearing granted October 21, 2008.  
Transcript prepared.
- (8) **CASE NO. 07-3822PA**  
Appeal from medical demotion  
**Classification:** Psychiatric Technician (Safety)  
**Department:** Department of Mental Health  
Petition for rehearing granted January 14, 2009.  
Pending transcripts.
- (9) **CASE NO. 07-1749PA**  
Appeal from automatic resignation  
**Classification:** Youth Correctional Officer (Permanent-Intermittent)  
**Department:** Department of Corrections and Rehabilitation  
Petition for rehearing granted October 21, 2008.  
Transcript prepared.

Oral argument set for February 11, 2009.  
Oral argument continued.

- (10) **CASE NO. 07-0996PA**  
Appeal from dismissal  
**Classification:** Physician & Surgeon, CF  
**Department:** Department of Corrections and Rehabilitation  
Petition for rehearing granted January 27, 2009.  
Pending transcripts.
- (11) **CASE NO. 07-3440A**  
Appeal from 10 percent reduction in salary for 13 months  
**Classification:** Correctional Lieutenant  
**Department:** Department of Corrections and Rehabilitation  
Proposed decision rejected January 14, 2009.  
Pending transcripts.
- (12) **CASE NO. 06-2882A**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
Proposed decision rejected January 14, 2009.  
Pending transcripts.
- (13) **CASE NO. 07-3873PA**  
Appeal from dismissal  
**Classification:** Correctional Lieutenant  
**Department:** Department of Corrections and Rehabilitation  
Petition for rehearing granted October 21, 2008.  
Transcript prepared.  
Oral argument set for February 11, 2009  
Oral argument continued.
- (14) **CASE NO. 05-3443PA**  
Appeal from dismissal  
**Classification:** Correctional Lieutenant  
**Department:** Department of Corrections and Rehabilitation  
Petition for rehearing granted January 27, 2009.  
Pending transcripts.

**20. ANNOUNCEMENT OF ACTION TAKEN ON NON-EVIDENTIARY CASES**

On February 11, 2009, the Board took the following action on the cases listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

**VOTE: Sheehan, Costigan, Tom, Clarey - Aye**

**A. WITHHOLD APPEALS**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

- (1) **CASE NO. 06-4432N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; gang affiliation and negative law enforcement contacts.  
**ACTION: GRANTED**
  
- (2) **CASE NO. 07-5280N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; DUI conviction within five years of application.  
**ACTION: DENIED**
  
- (3) **CASE NO. 07-3547N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative driving history with disregard for established laws.  
**ACTION: DENIED**
  
- (4) **CASE NO. 07-6428N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative employment history and termination from employment within one year of applying to the CDCR.  
**ACTION: DENIED**
  
- (5) **CASE NO. 07-5289N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitting pertinent information.  
**ACTION: GRANTED**

- (6) **CASE NO. 07-4682N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitting pertinent information.  
**ACTION: DENIED**
- (7) **CASE NO. 07-3943N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information and negative law enforcement contacts.  
**ACTION: DENIED**
- (8) **CASE NO. 08-1198N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitting pertinent information, furnishing inaccurate information and negative employment history.  
**ACTION: DENIED**
- (9) **CASE NO. 08-1309N**  
**Classification:** Office Assistant (Typing)  
**Department:** California Highway Patrol (CHP)  
**Issue:** Suitability; negative law enforcement contacts.  
**ACTION: GRANTED**
- (10) **CASE NO. 08-1415N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; fraud.  
**ACTION: The Board rejected the staff recommendation that the appeal be granted, finding instead that appellant's prior dishonesty in failing to disclose drug use on an earlier application constitutes sufficient grounds to warrant appellant's withhold from certification.**
- (11) **CASE NO. 07-5305N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; firearms prohibition and negative law enforcement contacts.  
**ACTION: GRANTED**

- (12) **CASE NO. 08-0994N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitting pertinent information.  
**ACTION:** The Board rejected the staff recommendation that the appeal be granted, finding instead that appellant's failure to disclose the fact that she had been arrested for arguing with a judge constitutes sufficient grounds to warrant appellant's withhold from certification to a peace officer classification.
- (13) **CASE NO. 08-0798N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; pending criminal prosecution and omitting pertinent information.  
**ACTION:** DENIED
- (14) **CASE NO. 08-0924N**  
**Classification:** Hospital Police Officer  
**Department:** Department of Mental Health (DMH)  
**Issue:** Suitability; negative employment history.  
**ACTION:** DENIED
- (15) **CASE NO. 08-1606N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitting pertinent information.  
**ACTION:** DENIED
- (16) **CASE NO. 08-4243N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitting pertinent information.  
**ACTION:** GRANTED
- (17) **CASE NO. 08-1035N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitting pertinent information.  
**ACTION:** DENIED

- (18) **CASE NO. 08-1031N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; gang association.  
**ACTION: GRANTED**
- (19) **CASE NO. 07- 6450N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; felony conviction.  
**ACTION: DENIED**
- (20) **CASE NO. 07-6224N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative law enforcement contacts, omitting pertinent information and negative employment history.  
**ACTION: DENIED**
- (21) **CASE NO. 07-2820N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; DUI and BUI/Wet Reckless conviction within ten years of application.  
**ACTION: GRANTED**
- (22) **CASE NO. 08-1150N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative driving history and omitting pertinent information.  
**ACTION: DENIED**

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

**CASES HEARD BY A STAFF HEARING OFFICER**

- (1) **CASE NO. 08-1484N**  
**Classification:** Cadet  
**Department:** California Highway Patrol  
**ACTION: DENIED**



- (2) **CASE NO. 07-0779N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**
- (3) **CASE NO. 07-2216N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**
- (4) **CASE NO. 06-4416N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**
- (5) **CASE NO. 07-0637N**  
**Classification:** Cadet  
**Department:** California Highway Patrol  
**ACTION: DENIED**
- (6) **CASE NO. 07-0764N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**

**DISMISSED CASES**

- (1) **CASE NO. 07-3009N**  
**Classification:** Cadet  
**Department:** California Highway Patrol  
**ACTION: DISMISSED**

**C. EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT  
ISSUE COMPLAINTS**

**NONE**

**D. RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS,  
VOIDED APPOINTMENT APPEALS**

**RULE 211**

**NONE**

**RULE 212**

**NONE**

**VOIDED APPOINTMENT**

**(1) CASE NO. 07-0448N**

**Department:** California Highway Patrol

**Classification:** Associate Programmer Analyst (Spec)

Taken under submission on January 27, 2009.

**ACTION: The Board rejected the staff recommendation voiding the appointment, finding instead that the certification list from which appellant had been appointed was valid.**

**(2) CASE NO. 07-0447N**

**Department:** California Highway Patrol

**Classification:** Associate Programmer Analyst

Taken under submission on January 27, 2009.

**ACTION: The Board rejected the staff recommendation voiding the appointment, finding instead that the certification list from which appellant had been appointed was valid.**

**E. REQUEST TO FILE CHARGES CASES, PETITION FOR REHEARING**

**REQUEST TO FILE CHARGES CASES**

**NONE**

**21. ANNOUNCEMENT OF ACTION TAKEN ON NON-HEARING AGENDA ITEMS**

On February 11, 2009, the Board took the following action on the cases listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

**VOTE: Sheehan, Costigan, Tom, Clarey - Aye**

**A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**NONE**

**B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS.**

**DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** proposes to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

**NONE**

**C. BACKDATE OF APPOINTMENTS**

**NONE**

**22. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**(1) DEPUTY EXECUTIVE DIRECTOR**

The California Debt & Investment Advisory Commission proposes revision to the existing CEA allocation for the above position. The proposal will redirect the CEA position from Director of Policy Research to the Deputy Executive Director. The revision will accommodate recent staff expansions, commission changes and the evolution of the municipal finance market.

**(2) POLICY ADVISOR**

The Department of Water Resources proposes to allocate the above position to the CEA category. The Policy Advisor will provide critical support to the Director and Chief Deputy Director for various aspects of policy development and implementation, recommend changes to existing policies based on key issues, and research and draft Department policy, memoranda and other documents for special projects related to water, flood, climate change, and energy issues.

**(3) SENIOR VICE PRESIDENT OF HUMAN RESOURCES AND ORGANIZATIONAL DEVELOPMENT**

The State Compensation Insurance Fund proposes to allocate the above position to the CEA category. This position will be the State Fund's chief policy maker in the areas of human resources operations, labor relations, training, equal employment opportunity, employee assistance, organizational development, and strategic management (planning).

**ACTION: NOTED**

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**(1) DEPUTY DIRECTOR, GEOSPATIAL INFORMATION OFFICER**

The Office of the State Chief Information Officer's request to allocate the above position to the CEA category was approved January 15, 2009.

**(2) SENIOR VICE PRESIDENT OF INTERNAL AFFAIRS**

The State Compensation Insurance Fund's request to allocate the above position to the CEA category was approved January 15, 2009.

**(3) CHIEF ADMINISTRATIVE LAW JUDGE, APPELLATE OPERATIONS**

The California Unemployment Insurance Appeals Board's request to allocate the above position to the CEA category was approved January 15, 2009.

**(4) GENERAL COUNSEL**

The Department of Managed Health Care's request to allocate the above position to the CEA category was approved January 15, 2009.

**(5) OPERATIONS CHIEF, LOCAL GOVERNMENT FISCAL AFFAIRS**

The Office of the State Controller's request to allocate the above position to the CEA category was approved January 15, 2009.

**(6) BUREAU CHIEF, PROGRAM MANAGEMENT ANALYSIS BUREAU**

The Office of the State Controller's request to allocate the above position to the CEA category was approved January 15, 2009.

**(7) BUREAU CHIEF, PERSONNEL/PAYROLL OPERATIONS**

The Office of the State Controller's request to allocate the above position to the CEA category was approved January 15, 2009.

**(8) CHIEF PROGRAMMING OFFICER**

The California Transportation Commission's request to abolish the above existing CEA allocation was approved January 15, 2009.

**(9) CHIEF DEPUTY DIRECTOR, POLICY & PROGRAMMING**

The California Transportation Commission's request to combine the duties and responsibilities of the Chief Deputy Director with the Chief Delivery Officer (both CEAs) was approved January 15, 2009.

**(10) ASSOCIATE DIRECTOR, OFFICE OF BUSINESS SERVICES**

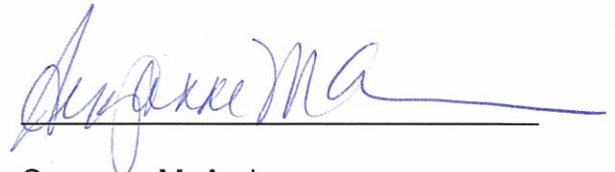
The Department of Corrections and Rehabilitation's request to allocate the above position to the CEA Category was approved January 15, 2009.

**ACTION: NOTED**

**ADJOURNMENT**

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on March 10, 2009.

VOTE: Sheehan, Costigan, Tom, Clarey – Aye



Suzanne M. Ambrose  
Executive Officer  
California State Personnel Board